SUPREME COURT OF UNITED STATES OF AMERICA

STATE OF LOUISIANA	:	
	:	DOCKET NO.:
VERSUS	:	
	:	FILED:
BILLY J. TAYLOR	:	

JURISDICTIONAL STATEMENT

(a) State of Louisiana v. Billy J. Taylor, 282 So. 2d 491 (1973).

(b) (i) Appeal from the final judgment of the Supreme Court of the State of Louisiana affirming the conviction and sentence to life imprisonment of Billy J. Taylor for the crime of aggravated kidnappying (LSA-R.S. 14:44).

(ii) Date of original judgment -- January 15, 1973.

Date of judgment on rehearing -- August 20, 1973.

Date of order refusing second application for rehearing -- September 6, 1973.

Date of entry of judgment -- September 5, 1973.

Date notice of appeal filed -- November 8, 1973.

(iii) Jurisdiction of this appeal is conferred by 28 U.S.C. Sec. 1257 (2).

(iv) Cases sustaining jurisdiction -- Peters v. Kiff, 407 U.S. 493, 92 S. Ct. 2163, 33 L. Ed. 2d 83; Carter v. Jury Com'r, 396 U.S. 320 , 90 S. Ct. 518, 24 L. Ed. 2d549; Smith v. Texas, 311 U.S. 128, 61 S.Ct. 164, 85 L. Ed. 84; Glasser v. United States, 315 U.S. 60, 62 S.Ct. 457, 315 U.S. 60; Thiel v. Southern Pacific, 328 U.S. 217, 66 S.Ct. 984, 220 L. Ed. 1181, 166 A.L.R. 1412; Williams v. Florida, 399 U.S. 78, 90 S. Ct. 1893, 26 L. Ed 2d446; Witherspoon v. Illinois, 391 U.S. 510, 88 S. Ct. 1770, 20 L. Ed. 2d 776; Ballard v. United States, 329 U.S. 187, 67 S. Ct. 261, 91 L. Ed. 181; Alexander v. Louisiana, 31 L. Ed. 2d 536.

(v) West's LSA Code of Criminal Procedure, Article 4021; Vol. 1, page 324: "A woman shall not

be selected for jury service unless she has previously filed with the Clerk of Court of the Parish in which she resides a written declaration of her desire to be subject to jury service."

West's LSA Constitution, Article 7, Section 41, Vol. 2, page 382: "The Legislature shall provide for the election and drawing of competent and intelligent jurors for the trial of civil and criminal cases; provided, however, that no woman shall be drawn for jury service unless she shall have previously filed with the Clerk of the District Court a written declaration of her desire to be subject to such service. All cases in which the punishment may not be at hard labor shall be tried by a jury of five, all of whom must concur to render a verdict; cases, in which the punishment is necessarily at hard labor, by a jury of twelve, nine of whom must concur to render a verdict; cases in which the punishment may be capital, by a jury of twelve, all of whom must concur to render a verdict."

(c) The question presented by the appeal is:

1) Whether Louisiana Code of Criminal Procedure Article 402 and Louisiana Constitution Article 7, Section 41, which exempt women from jury service violates the Sixth and Fourteenth Amendments to the United States Constitution.

2) Has appellant been deprived of a fair trial within the guarantees of the Sixth and Fourteenth Amendments to the United States Constitution by reason of the systematic exclusion of women from the jury (as shown by the all-male jury venire list) under the provisions of Louisiana Code of Criminal Procedure Article 402 and Louisiana Constitution Article 7, Section 41?

(d) The appellant was convicted of aggravated kidnapping (which included aggravated rape as part of the evidence introduced) by an all male jury selected from an all male jury venire. He was initially sentenced to death, but ultimately to life imprisonment. A motion to quash the jury venire was initially filed prior to the commencement of trial on the grounds that the systematic exclusion of women from the jury under the provisions of Louisiana Code of Criminal Procedure Article 402 and Louisiana Constitution Article 7, Section 41 was violative of the United States Constitutional guarantees of a fair trial and due process. This motion to quash was overruled by the Trial Judge. On appeal to the Louisiana Supreme Court the same objection was urged by assignment of error and argument in brief. The Louisiana Supreme Court affirmed the conviction but Justice Barham in a dissenting opinion agreed that the Louisiana Statutory and Constitutional provisions exempting women from jury service violates the Sixth and Fourteenth amendments of the United States Constitution. In appellant's first application for rehearing the question was again urged but in the Court's opinion on rehearing was disregarded except by Justice Barham who adhered to his original dissent.

(e) It is submitted that the question of the constitutionality of a state law which exempts women from jury service arising as it does in a capital case, is obviously a substantial federal question. The question is ripe for a final determination by the United States Supreme Court. In the instant case the question must be answered in order to dispose of the appeal. It cannot be disposed of on other grounds as in Alexander v. Louisiana, cited infra.

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CERTIFICATE OF SERVICE

I, William McM. King, attorney of record, for Billy J. Taylor, appellant herein, depose and say that on the 12th day of November, 1973, I served a copy of the foregoing Jurisdictional Statement, on the District Attorney for the Parish of St. Tammany, W. W. Erwin, appellee herein, by mailing same herein to his office in the courthouse, Covington, Louisiana, and to William J. Guste, Jr., Attorney General of the State of Louisiana at his office in the Capitol Building, Baton Rouge, Louisiana.

All parties required to be served have been served.

WILLIAM McM. KING

SWORN TO AND SUBSCRIBED
before me this 12th day
of November, 1973.

NOTARY PUBLIC